

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

DAVID RICHARDSON,

No. 6:13-cv-00880-HZ

Plaintiff,

v.

CAROLYN W. COLVIN,
Acting Commissioner of Social Security ,

ORDER

Defendant.

Plaintiff David Richardson brought this action seeking review of the Commissioner's final decision to deny disability insurance benefits (DIB). In an September 19, 2014 Opinion & Order, I granted Plaintiff's separate motion to remand the case to the Commissioner based on new evidence pursuant to sentence six of 42 U.S.C. § 405(g).

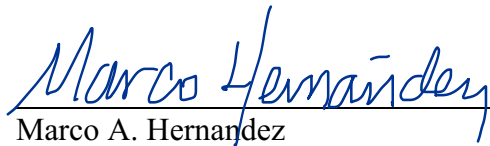
Upon remand, an Administrative Law Judge approved the DIB application. See Apr. 11, 2016 ALJ Decision, Ex. 1 to Stip. Mtn. to Remand, ECF 33-1. The parties then stipulated to re-opening the case in this Court and for a Judgment entered in Plaintiff's favor. I re-opened the case and entered Judgment on June 29, 2016. ECF 35.

Plaintiff now seeks an award of fees pursuant to 42 U.S.C. § 406(b). Defendant has no objection to the request. I have reviewed the record in the case, the motion, and the supporting materials including the award of benefits, the fee agreement with counsel, and the recitation of counsel's hours and services. Applying the standards set by Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002), I find the requested fees reasonable.

I grant the motion [#39] and award Plaintiff's counsel \$15,251.25 in attorney's fees under 42 U.S.C. § 406(b). Previously, I awarded Plaintiff attorney's fees in the amount of \$10,399.96 under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412. ECF 41. When issuing the section 406(b) check for payment to Plaintiff's attorney, the Commissioner is directed to subtract the amount previously awarded under EAJA and send Plaintiff's attorney the balance of \$4,851.29, less any applicable processing fees as allowed by statute. Any amount withheld after all administrative and court attorney's fees are paid should be released to the claimant.

IT IS SO ORDERED.

Dated this 16 day of August, 2016


Marco A. Hernandez
United States District Judge